

### **REMARKS**

Applicant has carefully considered the Examiner's comments in the Office Action dated September 30, 2005. Claims 1-22 are pending in the application, of which Claims 1-22 stand rejected. The Office Action indicated that the Information Disclosure Statement submitted by Applicant was considered. The Examiner is respectfully requested to reconsider novel claims 1-22, of which Claims 1, 7-9, 15, 16 and 22 are currently amended. The Applicant represents that no new matter has been added and that all amendments are supported by the drawings and specification.

#### **The §102(b) Claim Rejections:**

The Examiner rejected claims 1-3, 5-11, 13-18 and 20-22 under 35 U.S.C. §102(b) as anticipated by Hestehave et al. (U.S. Patent No. 5,118,014).

The Applicant respectfully traverses the Examiner's rejection of claims 1-3, 5-11, 13-18 and 20-22. The Examiner states "Hestehave et al. disclose, in figs. 1 and 3-6, a lid comprising a cap having a handle 12, a top face, a sip and vent ports 13, a release lever 20 having a thumb pad detachably pivotally coupled to the cap about a pivot point, and biasing mechanism (spring 25). The release lever forms fork having two arms with a vent lug and sip lug are coupled to the distal end of each arm." However, while it may be true that Hestehave discloses a spill-proof mug, it fails to teach or suggest each and every element required by the claims.

#### **Claim 1:**

Claim 1 has been amended and should be allowed over the Hestehave reference. Claim 1 requires a cap, a release lever detachably pivotally coupled to the cap about a pivot point between a sealed configuration and an unsealed configuration, and a biasing mechanism operatively coupled to the cap and the release lever. The release lever requires a thumb pad on a first side of the pivot point and a sip plug and a vent plug on a second side of the pivot point, where the second side of the release lever is fork-shaped having two arms, wherein the vent plug and the sip plug each extend from the distal end of one of each arm, and the sip plug may seal the sip port independently of the vent plug sealing the vent port when in the sealed configuration. However, the Hestehave reference fails to teach or suggest a release lever requiring a thumb pad on a first side of the pivot point and a sip plug and a vent plug on a second

side of the pivot point, where the second side of the release lever is fork-shaped having two arms, wherein the vent plug and the sip plug each extend from the distal end of one of each arm, and the sip plug may seal the sip port independently of the vent plug sealing the vent port when in the sealed configuration. Accordingly, the Hestehave reference fails to teach or suggest a release lever as required by the Claims.

It is therefore submitted that Claim 1 is allowable over the art and that Claims 2 through 8, which depend from Claim 1, are allowable for the same reasons provided above in connection with Claim 1.

**Claim 9:**

Claim 9 has been amended and should be allowed over the Hestehave reference. Moreover, Claim 9 requires a cap and a release lever detachably pivotally coupled to the cap about a pivot point and is moveable between a sealed configuration and an unsealed configuration. The release lever requires integrally formed therein: a spring, a thumb pad on a first side of the pivot point and a sip plug and a vent plug on a second side of the pivot point; where the sip plug seals the sip port when in the sealed configuration, the vent plug seals the vent port when in the sealed configuration; the integral spring of the release lever resiliently engages the cap, wherein the spring urges the release lever to the sealed configuration. However, the Hestehave reference fails to teach or suggest a release lever requiring integrally formed within the release lever: a spring, a thumb pad on a first side of the pivot point and a sip plug and a vent plug on a second side of the pivot point; where the sip plug seals the sip port when in the sealed configuration, the vent plug seals the vent port when in the sealed configuration; the integral spring of the release lever resiliently engages the cap, wherein the spring urges the release lever to the sealed configuration. Accordingly, the Hestehave reference fails to teach or suggest a release lever as required by the Claims.

It is therefore submitted that Claim 9 is allowable over the art and that Claims 10 through 15, which depend from Claim 9, are allowable for the same reasons provided above in connection with Claim 9.

**Claim 16:**

Claim 16 has been amended and should be allowed over the Hestehave reference. Moreover, Claim 16 requires a cap and a release lever detachably pivotally coupled to the cap about a pivot point and is moveable between a sealed configuration and an unsealed configuration. The cap requires integrally formed therein: a spring, a self-gripping handle, a top face, a sip port and a vent port integrally formed in the top face, wherein the integral spring of the cap may resiliently engage the release lever, wherein the spring urges the release lever to the sealed configuration. However, the Hestehave reference fails to teach or suggest a cap requiring integrally formed within the cap: a spring, a self-gripping handle, a top face, a sip port and a vent port integrally formed in the top face, wherein the integral spring of the cap may resiliently engage the release lever, wherein the spring urges the release lever to the sealed configuration. Accordingly, the Hestehave reference fails to teach or suggest a cap as required by the Claims.

It is therefore submitted that Claim 16 is allowable over the art and that Claims 17 through 22, which depend from Claim 16, are allowable for the same reasons provided above in connection with Claim 16.

**The §103(a) Rejections:**

The Examiner also rejected Claims 4, 12 and 19 under 35 U.S.C. §103(a) as obvious over Hestehave in view of Eger et al. (U.S. Patent No. 5,222,623).

In view of the amendment to independent claims 1, 9 and 16 from which Claims 4, 12 and 19 depend, respectively, the rejection is now moot. Moreover, the references made of record fail to teach or suggest each and every element required by claims 1-22.

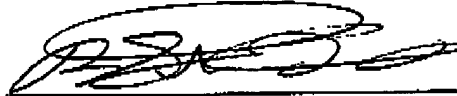
It is therefore submitted that claims 1 through 22 are allowable over the art of record.

**Conclusion:**

It is respectfully submitted that all objections and rejections of record have been overcome and that all pending claims are in condition for allowance. A notice of allowance is therefore earnestly solicited.

If the Examiner should have any questions, he/she is urged to contact the undersigned.

Respectfully submitted,  
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